



November 22, 2023

VIA

Hon. Denise L. Cote
United States District Judge
500 Pearl St.
New York, NY 10007-1312

Re: Davis v. City Of New York et al
Case Number: 1:23-cv-00018-DLC

Dear Judge Cote:

I write in response to Your Honor's November 20, 2023 Order, Docket No. 10. Plaintiff timely served each of the individual defendants. (See, Affidavits of Service with respect to the individual defendants annexed hereto). Plaintiff apologizes to Your Honor for failing to previously file the Affidavits of Service with respect to the individual defendants.

Very truly yours,

s: Joel Rubenstein
JOEL M. RUBENSTEIN

AFFIDAVIT OF SERVICE

State of New York

County of

United States District Court

Index Number: 1:23-CV-00018-DLC
Date Filed: 1/13/2023

Plaintiff: **ELIJAH DAVIS**
vs.
Defendant: **THE CITY OF NEW YORK, et al.**

For:
German Rubenstein, LLP
19 West 44th Street
Suite 1500
New York, NY 10036

Received by Nicoletti & Harris to be served on **DET Jason Vasquez, One Police Plaza, New York, NY 10038**.

I, Alex Colon, being duly sworn, depose and say that on the 19th day of January, 2023 at 9:29 am, I: served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case** with Giorgia Bono at **One Police Plaza, New York, NY 10038**, the said premises being the respondent's place of Work within the State of New York. Deponent completed service by mailing a true copy of the **Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case** in a postpaid envelope addressed to: **One Police Plaza, New York, NY 10038** and bearing the words "Personal & Confidential" by First Class Mail on **1/19/2023** and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Description of Person Served: Age: 45, Sex: F, Race/Skin Color: White, Height: 5'10", Weight: 130, Hair: Auburn, Glasses: N

I certify that I am over the age of 18 and have no interest in the above action.

STATE OF New York)
COUNTY OF New York)

Subscribed and Sworn to before me on the 19th day of January, 2023 by the affiant who is personally known to me.

Suegeil M. Mercado
SUEGEIL M. MERCADO
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN KINGS COUNTY
LIC. # 01ME6434359
COMMISSION EXPIRES: JUNE 06, 2026

Alex Colon
Alex Colon
2104765

Nicoletti & Harris
101 Avenue of the Americas
9th floor
New York, NY 10013
(212) 267-6448

Our Job Serial Number: NHI-2023000859



AFFIDAVIT OF SERVICE

State of New York

County of

United States District Court

Index Number: 1:23-CV-00018-DLC
Date Filed: 1/13/2023

Plaintiff: ELIJAH DAVIS
vs.
Defendant: THE CITY OF NEW YORK, et al.

For:
German Rubenstein, LLP
19 West 44th Street
Suite 1500
New York, NY 10036

Received by Nicoletti & Harris to be served on SGT David Pabon, Transit Bureau District 11, 161 Street Station & River Avenue, Bronx, NY 10451.

I, Caswell Bryan, being duly sworn, depose and say that on the 22nd day of February, 2023 at 10:59 am, I: served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case** with Sgt. S. Shah at Transit Bureau District 11, 161 Street Station & River Avenue, Bronx, NY 10451, the said premises being the respondent's place of Abode within the State of New York. Deponent completed service by mailing a true copy of the **Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case** in a postpaid envelope addressed to: **Transit Bureau District 11, 161 Street Station & River Avenue, Bronx, NY 10451** and bearing the words "Personal & Confidential" by First Class Mail on 2/22/2023 and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Description of Person Served: Age: 55, Sex: M, Race/Skin Color: Black, Height: 5'4", Weight: 140, Hair: Black, Glasses: Y

I certify that I am over the age of 18 and have no interest in the above action.

STATE OF New York)
COUNTY OF New York)

Subscribed and Sworn to before me on the 22nd day of February, 2023 by the affiant who is personally known to me.

Suegeil M. Mercado
Suegeil M. Mercado
Notary Public State of New York
Qualified in Kings County
Lic. # 01ME6434359
Commission Expires: June 6, 2026

Caswell Bryan
Caswell Bryan
2104027

Nicoletti & Harris
101 Avenue of the Americas
9th floor
New York, NY 10013
(212) 267-6448

Our Job Serial Number: NHI-2023002917



AFFIDAVIT OF SERVICE

State of New York

County of

United States District Court

Index Number: 1:23-CV-00018-DLC
Date Filed: 1/13/2023

Plaintiff: **ELIJAH DAVIS**
vs.
Defendant: **THE CITY OF NEW YORK, et al.**

For:
German Rubenstein, LLP
19 West 44th Street
Suite 1500
New York, NY 10036

Received by Nicoletti & Harris to be served on **SGT David Pabon, Shield No. (Unknown) in his Official Capacity, One Police Plaza, Room 110A, New York, NY 10038**.

I, Alex Colon, being duly sworn, depose and say that on the 5th day of April, 2023 at 12:01 pm, I:

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case with Giorgia Bono at One Police Plaza, Room 110A, New York, NY 10038**, the said premises being the respondent's place of Abode within the State of New York. Deponent completed service by mailing a true copy of the **Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case** in a postpaid envelope addressed to: **One Police Plaza, Room 110A, New York, NY 10038** and bearing the words "Personal & Confidential" by First Class Mail on **4/6/2023** and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Description of Person Served: Age: 45, Sex: F, Race/Skin Color: White, Height: 5'10", Weight: 140, Hair: Black, Glasses: N

I certify that I am over the age of 18 and have no interest in the above action.

STATE OF New York
COUNTY OF New York)

Subscribed and Sworn to before me on the 5th day of April, 2023 by the affiant who is personally known to me,

Suegeil M. Mercado
Suegeil M. Mercado
Notary Public State of New York
Qualified in Kings County
Lic. # 01ME6434359
Commission Expires: June 6, 2026

Alex Colon
Alex Colon
2104765

Nicoletti & Harris
101 Avenue of the Americas
9th floor
New York, NY 10013
(212) 267-6448

Our Job Serial Number: NHI-2023005477





SGT David Pabon, Shield No.
(Unknown) in his Official Capacity, One
Police Plaza, Room 110A,
New York, NY 10038

Personal & Confidential

54/77

AFFIDAVIT OF NON-SERVICE

State of New York

County of

United States District Court

Index Number: 1:23-CV-00018-DLC
Date Filed: 1/13/2023

Plaintiff: **ELIJAH DAVIS**
vs.
Defendant: **THE CITY OF NEW YORK, et al.**

For:
German Rubenstein, LLP
19 West 44th Street
Suite 1500
New York, NY 10036

Received by Nicoletti & Harris to be served on **DET Marc OConnell**, One Police Plaza, New York, NY 10038.

I, Alex Colon, being duly sworn, depose and say that on the 19th day of January, 2023 at 9:31 am, I:

NON-SERVED the Summons in A Civil Action, Civil Cover Sheet and Complaint with Jury Demand ECF Case for the reason that I failed to find **DET Marc OConnell** or any information to allow further search. Read the comments below for further details.

Additional Information pertaining to this Service:

1/19/2023 9:31 am Attempted service at One Police Plaza, New York, NY 10038,
Ms Bono stated that she was not able to find Det. Marc OConnell, in her database. Possibly name was
spelled wrong according to her

I certify that I am over the age of 18 and have no interest in the above action.

STATE OF New York)
COUNTY OF New York)

Subscribed and Sworn to before me on the 1st day
of February, 2023 by the affiant who is personally
known to me.

Suegeil M. Mercado
SUEGEIL M. MERCADO
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN KINGS COUNTY
LIC. # 01ME6434359
COMMISSION EXPIRES: JUNE 06, 2026

Alex Colon
Alex Colon
2104765

Nicoletti & Harris
101 Avenue of the Americas
9th floor
New York, NY 10013
(212) 267-6448

Our Job Serial Number: NHI-2023000861



AFFIDAVIT OF SERVICE
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index #: 1:23-CV-00018-DLC
 Date Filed: January 13, 2023
 Court Date:
 Assigned Justice:

ATTORNEY(S): PH:
 ADDRESS: File No.: 2023002918

ELIJAH DAVIS

Plaintiff

VS.
 THE CITY OF NEW YORK, ET AL

Defendant

STATE OF New York , COUNTY OF SUFFOLK SS.:
 SHANNON PAIZ , being duly sworn deposes and says: Deponent is not a party herein, is over 18 years
 of age and resides in New York. On Wednesday, February 22, 2023 at 11:58 AM .
 at 32 JEAN ROAD, WEST ISLIP, NY 11795 deponent served the within

CIVIL COVER SHEET, SUMMONS IN A CIVIL ACTION, COMPLAINT, JURY TRIAL DEMANDED ECF CASE

on: DET. MARK O'CONNELL

Defendant therein named.

#1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person.
 Said premises is subjects [] actual place of business [X] dwelling house (usual place of abode) within the state.

#2 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

(use with #1, 2 or 3) Sex: Male Color of skin: White Color of hair: Shaved Age: 60 Height: Over 6ft
 Weight: Over 200 lbs Other Features: Balding

#3 WIT. FEES

\$ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#4 MILITARYSRVC Your deponent asked person spoken to whether the defendant was in the active military service of the United States or New York and
 received a negative reply. Upon information and belief I have; being based on the conversation and observations above narrated, defendant
 is not in the military service.

#5 OTHER

#6 MAIL COPY On _____, deponent completed service by depositing a true copy of each document
 the above address in a 1st Class postpaid properly addressed envelope not indicating that mailing was from an attorney or concerned legal
 action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post
 Office in the State of New York. Certified Mail #:

Sworn to before me on 02/22/2023

SUSAN CORTINA
 Notary Public, State of New York
 No. 01CO6047509, Qualified in Suffolk County
 Term Expires September 5, 2026



SHANNON PAIZ
 Server's Lic #
 InvoiceWorkOrder 2289812

NICOLETTI & HARRIS INC., 101 AVENUE OF THE AMERICAS 9TH FLOOR NEW YORK, NY 10013

AFFIDAVIT OF SERVICE

State of New York

County of

United States District Court

Index Number: 1:23-CV-00018-DLC
Date Filed: 1/13/2023

Plaintiff: **ELIJAH DAVIS**

vs.

Defendant: **THE CITY OF NEW YORK, et al.**

For:

German Rubenstein, LLP
19 West 44th Street
Suite 1500
New York, NY 10036

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I, Alex Colon, being duly sworn, depose and say that on the 19th day of January, 2023 at 9:29 am, I:

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Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

Description of Person Served: Age: 45, Sex: F, Race/Skin Color: White, Height: 5'10", Weight: 130, Hair: Auburn, Glasses: N

I certify that I am over the age of 18 and have no interest in the above action.

STATE OF New York)
COUNTY OF New York)

Subscribed and Sworn to before me on the 19th day of January, 2023 by the affiant who is personally known to me.

Suegeil M. Mercado
SUEGEIL M. MERCADO
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN KINGS COUNTY
LIC. # 01ME6434359
COMMISSION EXPIRES: JUNE 06, 2026


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Our Job Serial Number: NHI-2023000860

